

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NUTRI/SYSTEM IPHC, INC.
1011 Centre Road, Suite 322
Wilmington, DE 19805

And

NUTRISYSTEM, INC.
600 Office Center Drive
Fort Washington, PA 19034

Plaintiffs

V.

NUTRISYTEM BEST OFFERS, LLC
5700 N. Ocean Boulevard
North Myrtle Beach, SC 29582

Defendant

CIVIL ACTION

No.

**EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER
AND A PRELIMINARY INJUNCTION**

Plaintiffs Nutri/System IPHC, Inc. and Nutrisystem, Inc. hereby move under Fed. R. Civ. P. 65, on an emergency basis, for the immediate entry of a temporary restraining order, and request a return date on their motion for a preliminary injunction. Plaintiffs respectfully submit that this injunctive relief is necessary to prevent the Defendant, and all persons acting on behalf of and in concert with Defendant, from continuing to infringe and misappropriate Plaintiffs' famous NUTRISYSTEM trademark.

Plaintiffs are in urgent need of a temporary restraining order to remedy Defendant's unauthorized use of the NUTRISYSTEM trademark via, in part, the website nutrisystembestoffers.com. Recently, at Plaintiffs' request, internet host web.com took

down nutrisystembestoffers.com website, but only temporarily. In accordance with the host's policies and procedures, the offending website will be reinstated in less than 10 days unless this Court issues an order restraining Defendant's continued use of use of this website and more generally, the Plaintiffs' NUTRISYSTEM trademark.

This Court has the authority to grant a temporary restraining order, and ultimately a preliminary injunction, because, for the reasons more fully set forth in the accompanying Brief (i) Plaintiffs have a likelihood of success on the merits of their trademark infringement and cyber piracy claims asserted in the Verified Complaint, (ii) Plaintiffs are suffering and will continue to suffer immediate and irreparable harm if injunctive relief is not granted, (iii) greater harm would result to Plaintiffs if injunctive relief is not granted than would result to Defendant if said relief is granted and (iv) the requested injunctive relief advances the public interest.

Dated: August 18, 2015

Respectfully submitted,



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